

HB3401



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3401

by Rep. C.D. Davidsmeyer

SYNOPSIS AS INTRODUCED:

20 ILCS 655/5.3

from Ch. 67 1/2, par. 608

Amends the Illinois Enterprise Zone Act. Provides that, beginning in calendar year 2013 and until December 31, 2017, an additional 50 enterprise zones may be certified by the Department of Commerce and Economic Opportunity. Effective immediately.

LRB098 08353 HLH 38458 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning economic development.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Enterprise Zone Act is amended by
5 changing Section 5.3 as follows:

6 (20 ILCS 655/5.3) (from Ch. 67 1/2, par. 608)

7 Sec. 5.3. Certification of Enterprise Zones; Effective
8 date.

9 (a) Certification of Board-approved designated Enterprise
10 Zones shall be made by the Department by certification of the
11 designating ordinance. The Department shall promptly issue a
12 certificate for each Enterprise Zone upon approval by the
13 Board. The certificate shall be signed by the Director of the
14 Department, shall make specific reference to the designating
15 ordinance, which shall be attached thereto, and shall be filed
16 in the office of the Secretary of State. A certified copy of
17 the Enterprise Zone Certificate, or a duplicate original
18 thereof, shall be recorded in the office of recorder of deeds
19 of the county in which the Enterprise Zone lies.

20 (b) An Enterprise Zone shall be effective on January 1 of
21 the first calendar year after Department certification. The
22 Department shall transmit a copy of the certification to the
23 Department of Revenue, and to the designating municipality or

1 county.

2 Upon certification of an Enterprise Zone, the terms and
3 provisions of the designating ordinance shall be in effect, and
4 may not be amended or repealed except in accordance with
5 Section 5.4.

6 (c) With the exception of Enterprise Zones scheduled to
7 expire before December 31, 2018, an Enterprise Zone designated
8 before the effective date of this amendatory Act of the 97th
9 General Assembly shall be in effect for 30 calendar years, or
10 for a lesser number of years specified in the certified
11 designating ordinance. Each Enterprise Zone in existence on the
12 effective date of this amendatory Act of the 97th General
13 Assembly that is scheduled to expire before July 1, 2016 will
14 have its termination date extended until July 1, 2016. An
15 Enterprise Zone designated on or after the effective date of
16 this amendatory Act of the 97th General Assembly shall be in
17 effect for a term of 15 calendar years, or for a lesser number
18 of years specified in the certified designating ordinance. An
19 enterprise zone designated on or after the effective date of
20 this amendatory Act of the 97th General Assembly shall be
21 subject to review by the Board after 13 years for an additional
22 10-year designation. Enterprise Zones shall terminate at
23 midnight of December 31 of the final calendar year of the
24 certified term, except as provided in Section 5.4.

25 (d) No more than 12 Enterprise Zones may be certified by
26 the Department in calendar year 1984, no more than 12

1 Enterprise Zones may be certified by the Department in calendar
2 year 1985, no more than 13 Enterprise Zones may be certified by
3 the Department in calendar year 1986, no more than 15
4 Enterprise Zones may be certified by the Department in calendar
5 year 1987, and no more than 20 Enterprise Zones may be
6 certified by the Department in calendar year 1990. In other
7 calendar years, no more than 13 Enterprise Zones may be
8 certified by the Department. The Department may also designate
9 up to 8 additional Enterprise Zones outside the regular
10 application cycle if warranted by the extreme economic
11 circumstances as determined by the Department. The Department
12 may also designate one additional Enterprise Zone outside the
13 regular application cycle if an aircraft manufacturer agrees to
14 locate an aircraft manufacturing facility in the proposed
15 Enterprise Zone. Notwithstanding any other provision of this
16 Act, no more than 89 Enterprise Zones may be certified by the
17 Department for the 10 calendar years commencing with 1983. The
18 7 additional Enterprise Zones authorized by Public Act 86-15
19 shall not lie within municipalities or unincorporated areas of
20 counties that abut or are contiguous to Enterprise Zones
21 certified pursuant to this Section prior to June 30, 1989. The
22 7 additional Enterprise Zones (excluding the additional
23 Enterprise Zone which may be designated outside the regular
24 application cycle) authorized by Public Act 86-1030 shall not
25 lie within municipalities or unincorporated areas of counties
26 that abut or are contiguous to Enterprise Zones certified

1 pursuant to this Section prior to February 28, 1990. Beginning
2 in calendar year 2004 and until December 31, 2008, one
3 additional enterprise zone may be certified by the Department.
4 Beginning in calendar year 2013 and until December 31, 2017, an
5 additional 50 enterprise zones may be certified by the
6 Department.In any calendar year, the Department may not certify
7 more than 3 Zones located within the same municipality. The
8 Department may certify Enterprise Zones in each of the 10
9 calendar years commencing with 1983. The Department may not
10 certify more than a total of 18 Enterprise Zones located within
11 the same county (whether within municipalities or within
12 unincorporated territory) for the 10 calendar years commencing
13 with 1983. Thereafter, the Department may not certify any
14 additional Enterprise Zones, but may amend and rescind
15 certifications of existing Enterprise Zones in accordance with
16 Section 5.4.

17 (e) Notwithstanding any other provision of law, if (i) the
18 county board of any county in which a current military base is
19 located, in part or in whole, or in which a military base that
20 has been closed within 20 years of the effective date of this
21 amendatory Act of 1998 is located, in part or in whole, adopts
22 a designating ordinance in accordance with Section 5 of this
23 Act to designate the military base in that county as an
24 enterprise zone and (ii) the property otherwise meets the
25 qualifications for an enterprise zone as prescribed in Section
26 4 of this Act, then the Department may certify the designating

1 ordinance or ordinances, as the case may be.

2 (f) Applications for Enterprise Zones that are scheduled to
3 expire in 2016, 2017, or 2018, including Enterprise Zones that
4 have been extended until 2016 by this amendatory Act of the
5 97th General Assembly, shall be submitted to the Department no
6 later than the date established by the Department by rule
7 pursuant to Section 5.2. At that time, the Zone becomes
8 available for either the previously designated area or a
9 different area to compete for designation. No preference for
10 designation as a Zone will be given to the previously
11 designated area.

12 For Enterprise Zones that are scheduled to expire on or
13 after January 1, 2019, an application process shall begin 2
14 years prior to the year in which the Zone expires. At that
15 time, the Zone becomes available for either the previously
16 designated area or a different area to compete for designation.
17 No preference for designation as a Zone will be given to the
18 previously designated area.

19 Each Enterprise Zone that reapplies for certification but
20 does not receive a new certification shall expire on its
21 scheduled termination date.

22 (Source: P.A. 97-905, eff. 8-7-12.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.